

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2010-46  
Petition of Tibma Design Build Inc.  
45 Ingraham Road

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, June 3, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of TIBMA DESIGN BUILD INC. requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of a 10.6 foot by 26 foot 9 inch garage/porch/entry and construction of a 10.6 foot by 28.5 foot garage/porch/entry with less than required left side yard setbacks, on an 8,440 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 45 INGRAHAM ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 17, 2010, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Tim Baldwin (the "Homeowner") and Dan Tibma (the "Petitioner"). Mr. Baldwin said that he has lived at 45 Ingraham Road for 20 years. He said that one piece of the house that has not been renovated is the garage. He said that the existing garage is one-car and is nonconforming. He said that the proposal is to demolish the existing garage and build a slightly larger one with storage space above. He said that they want to expand the entry way at the back of the existing garage.

The Board asked about the changes to the revised plot plan that was submitted. Mr. Tibma said that the surveyor delineated the garage on the plan.

The Board asked if the intention on the latched side of the door was for clothes hanging space. Mr. Baldwin said that there will be cubbies for backpacks and shoes. The Board said that Mr. Baldwin might consider having glass lights in the door instead of the window in the wall to add more useable space there.

Mr. Tibma said that they were considering encroaching on the garage space to make the mudroom bigger. He said that the garage is used for storage.

The Board said that the rake of the garage should be combined with the fascia of the porch.

There was no one present at the Public Hearing who wished to speak to the petition.

### Statement of Facts

The subject property is located at 45 Ingraham Road, on an 8,440 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 5.4 feet and a minimum front yard setback of 29.6 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of a 10.6 foot by 26 foot 9 inch garage/porch/entry and construction of a 10.6 foot by 28.5 foot garage/porch/entry with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 5/11/10, revised 5/26/10, stamped by David E. Lukens, Professional Land Surveyor, existing and proposed floor plans and elevation drawings, dated 5/11/10, prepared by Tibma Design Build, and photographs were submitted.

On June 2, 2010, the Planning Board reviewed the petition and had no objection to granting the request.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that although demolition of a 10.6 foot by 26 foot 9 inch garage/porch/entry and construction of a 10.6 foot by 28.5 foot garage/porch/entry with less than required left side yard setbacks, on an 8,440 square foot lot in a district in which the minimum lot size is 10,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted for demolition of a 10.6 foot by 26 foot 9 inch garage/porch/entry and construction of a 10.6 foot by 28.5 foot garage/porch/entry, in accordance with the submitted revised plot plan dated 5/26/10 and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

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Richard L. Seegel, Chairman

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J. Randolph Becker

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
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